

### **III. Remarks**

The status of the claims is set forth in the above listing of the claims. In the Office Action, claims 36-43 and 46 were rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter; and claims 26, 28, 31-43, 46, 47, 49, and 50 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Pub. No. 2003/0115366 to Robinson (“*Robinson*”) in view of BEA “WebLogic Server and WebLogic Express Administration Guide,” September 6, 2002, Release 7.0 (“*BEA*”). Although the Applicant respectfully disagrees with the rejections and objections outlined in the Office Action, claims 36-43 and 46 have been amended to expedite the allowance of the present application.

### **IV. Arguments**

#### **1. 35 U.S.C. § 101 Rejections**

Claims 36-43 and 46 were rejected under 35 U.S.C. § 101 because they are allegedly directed to a “machine-readable medium” and because the specification allegedly fails to limit the term “machine-readable medium” to non-transitory mediums.<sup>1</sup> The Applicant respectfully disagrees with this rejection and submits that, as discussed in the Response to Non-Final Office Action dated April 17, 2009, “in a previous amendment to the specification, the phrase ‘carrier wave signals’ was removed from paragraph 51.”<sup>2</sup> In addition, the Applicant has amended claims 36-43 and 46 to recite “[a] non-transitory machine-readable medium,” thereby further clarifying that claims 36-43 and 46 are directed to patentable subject matter under 35 U.S.C. §101. Thus, the Applicant requests that the rejection under 35 U.S.C. § 101 is withdrawn.

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<sup>1</sup> See *Office Action*, p. 3.

<sup>2</sup> See *Response to Non-Final Office Action* dated April 17, 2009, p. 11; see also, *Amendment in Response to Final Office Action and Request for Continued Examination* dated September 23, 2008, p. 2-3.

2. 35 U.S.C. § 103 Rejections

Independent claims 26, 36, and 47 were rejected under 35 U.S.C. § 103 because they are allegedly unpatentable over *Robinson* in view of *BEA*.<sup>3</sup> The Applicant respectfully submits that neither *Robinson* nor *BEA* teaches a system, method, or machine-readable medium which allows a message to be processed *on parallel paths by both a first messaging paradigm and a second messaging paradigm*.

The examiner has conceded that *Robinson* “does not teach the processing, on a parallel path, the message according to the second messaging paradigm comprises routing the message to at least one bridged destination associated with the at least one original destination via a bridge that automatically routes the message to the first of the at least one bridged destination.”<sup>4</sup> *Robinson* teaches a method for delivering message data in which the message “may be delivered and/or retrieved from [a] topic *or* [a] queue.”<sup>5</sup> The message is sent “to *one* of a queue and a topic,” but not to both.<sup>6</sup> Thus, the message is not processed on parallel paths as required by independent claim 26. Independent claims 36 and 47 similarly require processing on parallel paths by a first and a second messaging paradigm.

Similarly, *BEA* teaches “[a] messaging bridge consist[ing] of two destinations that are bridged: a source destination *from which* messages are received, and a target destination *to which* messages are forwarded.”<sup>7</sup> *BEA* further teaches that “[s]ource and target bridge destinations can be either queues *or* topics.”<sup>8</sup> As explicitly disclosed in *BEA*, the message is sent to “either queues *or* topics,” but not to both.<sup>9</sup> Thus, the message is not processed on parallel paths by a first *and* a second messaging paradigm as required by independent claim 26. Independent claims

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<sup>3</sup> See *Office Action*, pp. 3-9.

<sup>4</sup> See *Office Action*, p. 4.

<sup>5</sup> See *Robinson* Para. 15.

<sup>6</sup> *Id.*

<sup>7</sup> See *BEA*, p. 10-2 (emphasis original).

<sup>8</sup> *Id.* (emphasis added).

<sup>9</sup> *Id.*

36 and 47 similarly require processing on parallel paths by a first and a second messaging paradigm.

Claims 28-35, 37-43, 46, and 49-50 depend on one of independent claims 26, 36, and 47. Since these claims further limit a patentably distinct independent claim, the dependent claims are allowable on that basis as well as based on the additional patentably distinct limitations that they provide.

For at least the above reasons, the Applicant respectfully submits that the present application is in condition for allowance.

**V. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If any additional fees are required to complete this filing, or if an overpayment has occurred, the Commissioner is authorized to charge or credit such amount to Deposit Account No. 13-0480, referencing Attorney Docket No. TIB-015. The examiner is invited to contact the undersigned attorney of record if such would expedite the prosecution of this application.

Respectfully submitted,

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